

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Marcus Mable, Jr.,

Plaintiff,

v.

Case No. 16-cv-1781 (JNE/FLN)  
ORDER

Jessica Symmes, et al.,

Defendants.

This matter is before the Court on a Report and Recommendation filed by the Honorable Franklin L. Noel, United States Magistrate Judge, on July 6, 2016. No objection has been filed. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Magistrate Judge's recommendation denying Plaintiff's application to proceed in forma pauperis because the complaint fails to state a cause of action on which relief may be granted.

IT IS THEREFORE ORDERED THAT:

1. The Report and Recommendation [Docket No. 5] is ADOPTED.
2. This matter is DISMISSED WITHOUT PREJUDICE under 28 U.S.C. § 1915(e)(2)(B).
3. The application to proceed in forma pauperis [Docket No. 2] is DENIED.
4. Plaintiff's motion to appoint counsel [Docket No. 4] is DENIED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 18, 2016

s/Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge